

# **Racism Acknowledged as a Public-Health Trauma: Entitlement Response System**

A Synopsis of 28 Entitlements and Privileges Necessary to  
Rehabilitate the Injuries of Racial Discrimination

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## **Racism Acknowledged as a Public-Health Trauma: Entitlement Response System (Synopsis)**

### **R.A.P.T.E.S.**

*(pronounced raep-ts)*

#### Racism – America's Public Health Crisis

Poor health outcomes for African Americans are widely known. Among them, African Americans are 80% more likely to be diagnosed with diabetes. African American men and women respectively are 30% and 60% more likely than whites to experience high blood pressure. Also, African American women are 40% more likely to die from breast cancer than white counterparts. While African American children are twice as likely than their non-African American peers to be diagnosed asthmatic. Insurmountably, African American's adult population suffers a 48% obesity rate.<sup>[1]</sup>

Various high impact root cause analysis's studying everything from African American's overrepresentation in COVID-19 deaths -- to African American's higher rates of mortality in childbirth, reference the dismal African American health outcome data. However, the relationship between racial discrimination and the predominance of poor health is rarely a part of the discussions as well as a missing factor in institutional responses.

The body's stress response to racial discrimination is well documented in clinical research and analysis. The data shows that the impacts of racial discrimination are mentally and physiologically debilitating to the health of African Americans.

As of June 30, 2020, racism has been declared a public health issue by more than 20 cities and counties, and as many as 3 states, Michigan, Ohio and Wisconsin.

The following studies published in the U.S. National Library of Medicine show deleterious impacts of racial discrimination on African American:

1. A study from the University of Michigan illustrates the neuroendocrine response -- namely, cortisol secretion, set in motion as the body physiologically reacts to racial discrimination. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844784/>

2. A study, authored by Duke University's Laura Smart Richman Ph.D and University of Pittsburgh Department of Medicine's Charles Jonassaint, PhD MH, recorded the impacts of racial bias as measured through salivatory cortisol outputs. The study found racial bias to be associated with psychological distress, depression, anxiety, and multiple indicators of poor physical health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844784/>

3. The “Flint Adolescent Study” determined that even short periods of racial discrimination dysregulates cortisol functioning into adulthood. Disrupting weight control and immunohealth. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6188812/>

4. A study examining leukocyte telomere length (LTL) among African American men found racial discrimination to be related to shortened LTL causing accelerated cellular aging. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5407686/>

5. A study examining racial discrimination and anxiety and depression in African American youth found emotional responses from prolonged exposure to racial discrimination may routinely activate the hypothalamic pituitary adrenal (HPA), the body’s central stress response system, and help explain the process by which racial discrimination contributes to racial health disparity outcomes. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844784/>

6. A 20-yearlong study conducted with the Maryland Adolescent Development Center concluded that racial discrimination leads to hypercortisolism occurring in adolescence and young adulthood reducing the mediator between chronic psychosocial stress and poor mental and physical health outcomes. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4739843/>

### A Handicap Upon the Race

Notwithstanding income disparities for African Americans -- the median African American family today holds just \$3,600 wealth, only 2 percent of the wealth held by the median White family, \$147,000, <sup>[1]</sup> or incarceration rate disparities for African American -- crime rates have fluctuated and seen declines since the 1970’s, however African American men are 8 times more likely to be incarcerated than white men <sup>[2]</sup> -- despite education access disparities for African Americans -- in 2013, 34 percent for African American students, compared to 9 percent of White students, performed below basic on the NAEP fourth grade mathematics test -- the physiological impacts of systematized racial discrimination manifested in the poor health outcomes of African Americans makes racism a handicap upon the race.

Being disabled is defined in existing U.S. Law as the existence of an impairment which substantially limits a major life activity. Major life activities are listed to include breathing, learning, reading, concentrating, thinking, communicating, working, normal cell growth, and the operation of neurological, endocrine, and circulatory functions.

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<sup>[1]</sup> Dreams Deferred: *How Enriching the 1% Widens the Racial Wealth Gap*, Chuck Collins, Asante-Muhammad, Hoxie, Terry [https://inequality.org/wp-content/uploads/2019/01/IPS\\_RWD-Report\\_FINAL-1.15.19.pdf](https://inequality.org/wp-content/uploads/2019/01/IPS_RWD-Report_FINAL-1.15.19.pdf)

<sup>[2]</sup> *Racial Disparities in Imprisonment: Some Basic Information*, Pamela E. Oliver <https://www.ssc.wisc.edu/~oliver/RACIAL/Oliver%20Focus%202001.pdf>

The research demonstrates that the effects of racial discrimination substantially limit Black American's major life activities (as defined). Racial discrimination limits normal cell growth. <sup>[2]</sup> Racial discrimination experienced by Black American's disrupts neurological functioning. <sup>[3]</sup> Racial discrimination impairs endocrine and circulatory responses in Black Americans. <sup>[4]</sup> There can be only one humane response.

### Rehabilitation, Accommodation and Treatment

entitlements, transportation, technology, housing, emergency preparedness, employment, education, community life, civil rights

Notwithstanding the varied classifications of "disability" there are over 25 distinct rights, privileges and entitlements accorded to persons impaired by disabilities such as racism. Modifying disability entitlements, rights and benefits to insulate African Americans from the debilitating impacts of racial discrimination is the genesis of rehabilitation and treatment necessary to restore the impairment of racial discrimination.

### Health Care: Medicaid/Medicare & Entitlements: Supplemental Income

#### I. Social Security Disability Insurance (SSDI)

Existing Entitlement: Social Security Disability Insurance (SSDI) is a social insurance program under which workers earn coverage for benefits, by working and paying Social Security taxes on their earnings. The program provides benefits to disabled workers and to their dependents. For those who can no longer work due to a disability, the SSDI program replaces a portion the worker's lost income.

Entitlement Expansion: Amend Social Security Act Title II as follows –

1. The term "disability" or disability determinations may not exclude any African American, and eligible family members, having attained the age of 22 and a minimum of six quarters of coverage regardless of medical evaluation.
2. Remove loss of ability to work requirements as a precondition for eligibility for African Americans.
3. Remove restrictions, caps, limitations and penalties for continued working for African Americans.
4. Amend any provision necessary and proper so as to make SSDI operate as Supplemental Income and benefits for working or disabled African Americans and eligible family members having attained the age of 22 and a minimum of six quarters of coverage.

## II. Supplemental Security Income (SSI)

Existing Entitlement: Supplemental Security Income (SSI) provides supplemental income benefits paid to persons with limited income and resources who are impaired, disabled, blind, or age 65 or older.

Entitlement Expansion: Amend Title XVI of the Social Security Act, *Supplemental Security Income for the Aged, Blind, and Disabled* as follows –

1. The term “disability” or “impairment” may not exclude any African American, regardless of medical evaluation or impairment.
2. Remove loss of ability to work requirements as a precondition for eligibility for African Americans.
3. Remove restrictions, caps, limitations and penalties for continued working for African Americans.
4. Amend [this and other articles] to include mutual aid program requirements to enroll recipients in other similar means tested aid programs in which their exclusion is based on the receipt of SSI/SSDI program benefits.
5. Amend “Limited Income” to include an African American receiving SSDI as a result of a disability status that is not solely predicated on racial identity as African American.
6. Amend any provision necessary and proper so as to make SSI operate as supplemental income and benefits for working, disabled or dependent African Americans.

## III. Medicaid

Existing Entitlement: Medicaid provides free or low-cost medical benefits to people with disabilities.

Entitlement Expansion: Amend Title XIX of the Social Security Act as follows --

1. The term “disability” or “qualified individuals” may not exclude any African American under age 65, regardless of medical evaluation.
2. Require states to provide coverage to African Americans (as defined) without regard for other eligibility requirements or exclusions.
3. Remove all income threshold, penalties, co-insurance, cost-sharing, premiums, deductibles and out-of-pocket fees for African Americans.
4. Eliminate asset recovery, collections and penalty assessments for African American beneficiaries.

5. Grant home and community-based service waivers for each African American beneficiaries.
6. Amend "reasonable cost" for African American beneficiaries to include additional provider incentive for improved beneficiary health outcomes.
7. Amend any provision necessary and proper so as to make Medicaid accessible to all African Americans under age 65, at no cost to the beneficiary.

#### IV. Medicare

Existing Entitlement: Medicare provides medical health insurance to people under 65 with certain disabilities and any age with end-stage renal disease (permanent kidney failure requiring dialysis or a kidney transplant).

Entitlement Expansion: Amend Title XIX of the Social Security Act as follows --

1. The term "disability" or "qualifying individuals" may not exclude any African American age 65 or over, regardless of medical evaluation.
2. Fully supplement African American beneficiary co-insurance, cost-sharing, premiums, deductibles and out-of-pocket costs.
3. Eliminate asset recovery, collections and penalty assessments for African American beneficiaries.
4. Amend "reasonable cost" for African American beneficiaries to include additional provider incentive for improved beneficiary health outcomes.
5. Amend any provision necessary and proper so as to make Medicare cost neutral to all African Americans over 65 while improving quality of care.

## Rental Housing & Homeownership

### V. Public Housing / Rental Assistance / Housing Choice Voucher

Existing Benefit: Persons with disabilities are eligible for all public housing programs, rental assistance or subsidized housing, and Housing Choice (Section 8) voucher programs.

Benefit Expansion: Amend 42 U.S. Code CHAPTER 8—*Low-Income Housing* as follows –

1. The term “disability” or “disabled person” may not exclude any African American, regardless of medical evaluation.
2. Remove income restrictions for African Americans.
3. In this title [and any other required title] include mandatory appropriation requirements to fund annual program budgets according to the per capita African American population in each PHA region, supplemental to existing formulas (including PHA capital development program, Housing Choice Voucher [FMR], and Family Self Sufficiency Program).
4. Amend any provision necessary and proper so as to open access to public housing, rental assistance and housing choice vouchers to all African Americans, and increase program spending in accordance with per capita African American populations.

### VI. Non-Elderly Disabled (NED) Voucher

Existing Program: The Non-Elderly Disabled (NED) Voucher, is a special purpose voucher program that provides subsidized housing to disabled person who are not seniors in age restricted developments.

Benefit Expansion: Amend 42 U.S. Code CHAPTER 8—LOW-INCOME HOUSING Section 8013. *Supportive housing for persons with disabilities* as follows –

1. The term “disability” or “disabled person” may not exclude any African American, regardless of medical evaluation.
2. Remove income restrictions for African Americans.
3. In this title [and any other required title] include mandatory appropriation requirements to fund annual program budgets according to the elderly per capita African American population, supplemental to existing formulas.
4. Amend any provision necessary and proper so as to open access to supportive housing for persons with disabilities to all African Americans, and increase program spending in accordance with per capita elderly African American population.

## VII. Development Vouchers

Existing Program: Certain Developments Vouchers enable non-elderly families having a person with disabilities, who do not currently receive housing assistance in certain developments where owners establish preferences for, or restrict occupancy to, elderly families, to obtain affordable housing. These non-elderly families with a disabled person do not need to be listed on the PHA's housing choice voucher waiting list in order to be offered and receive housing choice voucher rental assistance.

Program Expansion: Amend 42 U.S. Code CHAPTER 8—LOW-INCOME HOUSING Subchapter I. GENERAL PROGRAM OF ASSISTED HOUSING Section 1437f. *Low-income housing assistance* as follows --

1. The term "disabled person" many not exclude any African American 55 years or older, regardless of medical evaluation.
2. Remove income restrictions for African Americans.
3. In this title [and any other required title] include mandatory appropriation requirements to fund annual program budgets according to the per capita elderly African American population, supplemental to existing formulas.
4. Amend any provision necessary and proper so as to open access to supportive housing for persons with disabilities to African American persons 55 years and older, and increase program spending in accordance with per capita elderly African American population.

## VIII. Homeownership Voucher

Existing Program: The Housing Choice Voucher (HCV) homeownership program allows families that are assisted under the HCV program to use their voucher to buy a home and receive monthly assistance in meeting homeownership expenses. While the HCV homeownership regulations contemplate a downpayment grant option (where the PHA offers a single downpayment assistance grant to the family instead of a monthly homeownership subsidy), funding has not been appropriated for this purpose and this regulatory provision has never been implemented. To participate in the HCV homeownership program, the HCV family must meet specific income and employment requirements (the employment requirement does not apply to elderly and disabled families).

Entitlement Expansion: Amend 42 U.S. Code CHAPTER 8—LOW-INCOME HOUSING as follows –

1. The term "disability" or "individual with disabilities" many not exclude any African American, regardless of medical evaluation.



2. Remove income restrictions for African Americans.
3. In this title [and any other required title] include mandatory appropriation requirements to fund annual program budgets according to the per capita African American population, supplemental to existing formulas.
4. Include adequate Housing Choice Voucher certificates so as to maintain vouchers commensurate with the African American population, in addition to existing apportionment formulas.
5. Fund adequately the HCV homeownership down payment grant option in accordance to the per capita African American population and regional median home values.
6. Accept African Americans by waiver admission to the HCV homeownership program.
7. Require every PHA to administer the HCV homeownership program, or provide a reasonable accommodations for African Americans to access the HCV program in the absence of a PHA.
8. Maintain operational capacity and proficiency to fulfill requirements of this Act.
9. Amend any provision necessary and proper so as to open access to Housing Choice Voucher to all African Americans, and increase program spending in accordance with per capita African American population.

## **IX. Section 811 Supportive Housing for Persons with Disabilities**

Existing Program: The Section 811 program is authorized to operate in two ways: (1) the traditional way, by providing interest-free capital advances and operating subsidies to nonprofit developers of affordable housing for persons with disabilities; and (2) providing project rental assistance to state housing agencies. The assistance to the state housing agencies can be applied to new or existing multifamily housing complexes funded through different sources, such as Federal Low-Income Housing Tax Credits, Federal HOME funds, and other state, Federal, and local programs.

Benefit Expansion: Amend Section 811 Supportive Housing for Persons with Disabilities as follows –

1. The term “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Remove income eligibility restrictions for African Americans.
3. Provide allotments for each State equal to the pro rata share of African Americans per capita residing within the State.
4. Maintain operational capacity and proficiency to fulfill requirements of this Act.
5. Amend any provision necessary and proper so as to make available 811 Supportive Housing for Persons with Disabilities for African Americans.

## Emergency Preparedness

### X. Executive Order 13347—Individuals with Disabilities in Emergency Preparedness

Existing Policy: President George W. Bush issued Executive Order 13347—*Individuals With Disabilities in Emergency Preparedness* on July 22, 2004,<sup>[5]</sup> and established the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (ICC). ICC directs more than 25 Federal executive departments and agencies to work together to ensure that emergency preparedness plans incorporate the perspectives and needs of individuals with disabilities.

Policy Expansion: Expand the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities as follows –

1. The term “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Amend the definition of “Emergency Preparedness” to include race-based aggression against African Americans.
3. Facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to African Americans.
4. Require Department of Homeland Security maintain an emergency preparedness web site that provides practical information on how African Americans can prepare for an emergency, specifically addressing challenges and providing solutions.
5. Amend and/or establish any provisions necessary and proper to institute emergency preparedness plans incorporate the needs of African American individuals.

### XI. Nationwide Plan Review Phase 2

Existing Policy: The Department of Homeland Security (DHS) issued its Nationwide Plan Review Phase 2 Report,<sup>[6]</sup> which includes a discussion of people with disabilities and emergency planning and readiness.

Policy Expansion: Revise the Department of Homeland Security Nationwide Plan Review Phase 2 Report as follows –

1. The term(s) “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Provide guidance to States and local governments on incorporation of African American demographic analysis into emergency planning.

3. Increase the participation of African American personnel and African American specific subject-matter experts in the development and execution of plans, training, and exercises.
4. Provide training and resources to mass sheltering facilities to ensure their preparedness and adequate knowledge and experience related to sheltering African American.
5. Amend and/or establish any provisions necessary and proper to institute emergency preparedness plans incorporate the needs of African American individuals.

## **XII. Post Katrina Emergency Management Reform Act**

Existing Policy: Title VI of the Department of Homeland Security Appropriations Act, 2007 *Post-Katrina Emergency Management Reform Act of 2006* was enacted to address various shortcomings identified in the preparation for and response to Hurricane Katrina.

Policy Expansion: Expand Title VI of the Department of Homeland Security Appropriations Act, 2007 *Post-Katrina Emergency Management Reform Act of 2006* as follows –

1. The term(s) “special needs” or “disabled” many not exclude any African American, regardless of medical evaluation.
2. Add an African American coordinator to the Federal Emergency Management Agency.
3. Revise evacuation plans and emergency exercises to respond to the perspective and needs of African Americans.
4. Amend and/or establish any provisions necessary and proper to institute emergency preparedness plans incorporate the needs of African American individuals.

## Employment and Hiring

### XIV. Schedule "A" Hiring Authority

Existing Policy: Schedule A Hiring Authority is an excepted service hiring authority. It streamlines what can sometimes be a lengthy hiring process and permits hiring officials to select a candidate for a job solely from a list of qualified Schedule A applicants. Schedule A allows agencies to hire qualified applicants with disabilities without posting the job position, thereby reducing the time it may take to fill a vacancy.

Policy Expansion: Expand 5 C.F.R. § 213.3102(u) and 5 C.F.R § 315.709 as follows –

1. The term(s) "disability" or "individual with disabilities" may not exclude any African American, regardless of medical evaluation.
2. Waive medical documentation requirement for persons exclusively eligible as African American.
3. Require agency Human Resource (HR) Specialist, Disability Program Manager (DPM) Special Placement Program Coordinator (SPPC) and Department of Labor's Workforce Recruitment Program (WRP) to work together to recruit, hire, accommodate, support and promote African Americans.
4. Mandatory offer of conversion from excepted service to civil service competitive status for African Americans who complete 2 or more years of satisfactory service without a break of more than 30 days, under a non-temporary Schedule A appointment.
5. Amend any provision necessary to open access to Schedule A Authority to African Americans.

### XV. Section 503 of the Rehabilitation Act of

Existing Policy: Section 503 of the Rehabilitation Act of 1973 prohibits discrimination and requires employers with federal contracts or subcontracts that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities. This section is enforced by the Department of Labor's Employment Standards Administration's Office of Federal Contract Compliance Programs (OFCCP).

Policy Expansion: Amend 29 U.S. Code § 793. *Employment under Federal contracts* as follows –

1. The term "disability" or "qualified individual with disabilities" may not exclude any African American, regardless of medical evaluation.

2. Amend the waiver authority granted to the Secretary of Labor for affirmative action regulations and impose strict scrutiny and requirement that “best efforts” be used for the inclusion African Americans.
3. Amend the waiver authority granted to the President with regard to particular contract or subcontract and require exigent circumstances for the use of waiver authority as it relates to African American inclusion.
4. Amend any provision necessary to open Section 503 of the Rehabilitation Act of 1973 to African Americans.

## XVI. Ticket to Work & Self Sufficiency Program

Existing Program: In the Ticket to Work and Self-Sufficiency Program a disabled beneficiary may use a ticket to work and self-sufficiency, which evidences the Commissions agreement to pay the employment network, issued by the Commissioner of Social Security to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary’s choice and which is willing to provide such services to such beneficiary.

Policy Expansion: Amend 42 U.S. Code § 1320b–19. *The Ticket to Work and Self-Sufficiency Program* as follows –

1. The term “disabled beneficiary” may not exclude any African American, regardless of medical evaluation.
2. Require the Commissioner of Social Security to enter into an agreement with a public or private organization to with expertise in the field of African American needs for employment and vocation to assist and act as program manager.
3. Amend any provision necessary to expand employment, vocational rehabilitation and other support services and accommodations of the Ticket to Work and Self Sufficiency Program to African Americans.

## XVII. Vocational Rehabilitation Services

Existing Policy: Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures (referred to individually as a “qualified vocational rehabilitation counselor”), other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment outcomes and objectives of an individual.

Policy Expansion: Amend Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.)  
*Vocational Rehabilitation and Other Services* as follows –

1. Amend the definition of “individuals with disabilities” to include the defined term African Americans
2. Authorize appropriations as necessary to meet cost of vocational rehabilitation services of African Americans
3. Amend and provision necessary to expand Vocational Rehabilitation and other services to African Americans.

## XVIII. Individuals with Disabilities Education Act

Existing Policy: Individuals with Disabilities Education Act (IDEA) ensures children with disabilities receive a “free appropriate public education” (often called FAPE). This means that schools must provide eligible children who have a disability with specially designed instruction to meet their unique needs at no cost to the children’s parents. This specially designed instruction is known as special education. IDEA includes a great deal of information to help states design special education programs for children with disabilities. IDEA also includes regulations to protect the rights of parents and children.

Policy Expansion: Amend the *Individuals with Disabilities Education Act*, 20 U.S.C. 1400, et seq. as follows –

1. Amend the findings to include:
  - a. Black students are the most likely of students to live in poverty at a rate of 31%, as compared to Hispanic students at 26%, and white students and Asian students at 10% each.
  - b. Between fall 2000 and fall 2015, the percentage of students enrolled in public elementary and secondary schools who were White decreased from 61 to 49 percent.
  - c. In 2013–14, about 2.6 million public school students (5.3 percent) received one or more out-of-school suspensions. A higher percentage of Black students (13.7 percent) than of students from any other racial/ethnic group received an out-of-school suspension, followed by 6.7 percent of American Indian/Alaska Native students, 5.3 percent of students of Two or more races, 4.5 percent each of Hispanic and Pacific Islander students, 3.4 percent of White students, and 1.1 percent of Asian students.
  - d. Thirteen percent of students ages 3–21 enrolled in public schools were served under IDEA in school year 2015–16, a total of 6.7 million individuals. The percentage served varied by race/ethnicity: it was highest for those who were American Indian/Alaska Native (17 percent), followed by those who were Black (16 percent), White (14 percent), of Two or more races (13 percent), Hispanic and Pacific Islander (12 percent each), and Asian (7 percent). <sup>[7]</sup>
  - e. Any other findings necessary and proper to demonstrate the gap in opportunities for African American students K-12.
2. Expand IDEA funding and spending formulas which assist states in providing a free appropriate public education in the least restrictive environment for children with

disabilities, ages 3 through 21 to include IDEA funding and spending requirements for every African American ages 3 – 21, notwithstanding the disability.

3. Expand IDEA funding and spending formulas which assist states in providing a free appropriate public education in the least restrictive environment for children with disabilities, ages three through five to include IDEA funding and spending requirements for every African American ages 3 – 5, notwithstanding the disability.
4. Expand IDEA funding and spending formulas which support early intervention services for infants and toddlers grants for Infants and Families program, for children ages birth through two, and their families to include funding and spending requirements every African American ages birth through two and their families, notwithstanding disability.
5. Require free and fair public education in the least restrictive environment for African Americans ages 3 through 21 that sufficiently responds to the perspective and needs of African Americans.
6. Provide early intervention services for infants and toddlers birth through age two and their families that sufficiently responds to the perspective and needs of African Americans birth through age two.
7. Provide assistive technology to African Americans ages 3 through 21, including adequate telecommunications devices and telecommunications services connectivity for personal use as assistive devices to aid in learning.
8. Mandate grants to support African American educator and para-educator personnel development.
9. Mandate grants to support technical assistance and dissemination, as well as technology, and parent-training and information centers to service and support African Americans birth through 21.
10. Amend any provision necessary and proper to ensure schools provide African Americans ages birth through 21 instruction and support to meet their unique needs at no cost to the children's parents.

## **XIX. Comprehensive Transition and Postsecondary (CTP) Program**

Existing Policy: The Comprehensive Transition and Postsecondary (CTP) Program is for students with intellectual disabilities and offers a degree, certificate, or nondegree program that is from a college or career school and approved by the U.S. Department of Education. Students enrollees are not required to have a high school diploma or GED and are not required to be pursuing a degree or certificate. CTP Programs offer academic advising and a structured curriculum. CTP Programs are designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment.



Program Expansion: Expand 20 U.S. Code Part D—*Programs to Provide Students with Disabilities With a Quality Higher Education* as follows –

1. The term “student with an intellectual disability” may not exclude any African American, regardless of intellectual ability.
2. Waive basic federal student aid eligibility requirements for African Americans.
3. Mandate appropriation, in addition to the existing program budget, as necessary to carry out the amended statute, in proportion to the aggregate of the number of African Americans:
  - a. whom did not/do not complete secondary education;
  - b. earn \$25,000 per year or less;
  - c. who are reentering the community from incarceration;
  - d. who owe a debt of child support or spousal support;
  - e. who have not worked and/or attended a full-time academic program in more than 36 months.
4. Amend any provision necessary to expand Programs to Provide Students With Disabilities With a Quality Higher Education to African Americans.

## Transportation

### XX. Discrimination Against Handicapped Individuals Air Carriers

Existing Policy: 49 U.S. Code § 41705. *Discrimination against handicapped individual* states that in providing air transportation, an air carrier, including (subject to section 40105(b)) any foreign air carrier, may not discriminate against an otherwise qualified individual on the grounds the individual has a physical or mental impairment that substantially limits one or more major life activities.

Policy Expansion: Amend 49 U.S. Code § 41705. *Discrimination against handicapped individuals* as follows –

1. Amend the qualifying grounds under which an otherwise qualified individual cannot be discriminated against to include, their race as an African American
2. The term “disability” or “individual with disabilities” or “handicap” may not exclude any African American, regardless of medical evaluation.
3. Require each air carrier to provide a Complaint Resolution Official (CRO) at the airport responsive to the perspective and needs of African Americans to resolve complaints regarding violations of the ACAA.
4. Amend any provision necessary to expand ACAA protection to African Americans.

## Technology

### XXI. Section 508 of the Rehabilitation Act

Existing Policy: Section 508 of the Rehabilitation Act of 1973 requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities.

Expanded Policy: Expand Section 508 of the Rehabilitation Act - 29 U.S.C. § 798 Section 508 - *Electronic and Information Technology* as follows –

1. The term “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Require the federal government to ensure its websites, video and audio tapes, electronic books, televised programs, and other such media includes the perspectives of African Americans and services the needs of African Americans.
3. Amend any provision necessary to expand Section 508 of the Rehabilitation Act to ensure African Americans access information technology.

### XXII. Title IV Assistive Technology

Existing Policy: Title IV of the ADA added Section 255, “Access by Persons with Disabilities,” to the Telecommunications Act of 1996. Under this section, telecommunications service providers and manufacturers of equipment must ensure that their products and services can be used by people with disabilities. If accessibility is not “readily achievable,” then they must ensure that the products or services are compatible with assistive devices commonly used by people with disabilities, such as screen readers. Both public agencies are required to “communicate effectively” with people whose disabilities affect their ability to communicate. This means ensuring that people with disabilities can exchange information just as effectively as people who don’t have disabilities.

Expanded Policy: Amend Title IV of the ADA Section 255, *Access by Persons with Disabilities* as follow –

1. The term “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Develop and mandate training(s) for Title II and Title III entities to facilitate effective communication with African Americans. Including communication which reduces and eliminates the impact of implicit bias and discrimination towards African Americans.

3. Require telecommunication companies provide the necessary services to ensure African Americans access telecommunications devices.
4. Amend any provision necessary to expand Title IV of the ADA Section 255, to ensure African Americans access to technology.

### XXIII. Twenty-First Century Communications and Video Accessibility Act (CVAA)

Existing Policy: The Twenty-First Century Communications and Video Accessibility Act (CVAA) was signed into law in 2010. The act was written to ensure that people with disabilities would have equal access to “advanced” communications – namely, digital, broadband and mobile products and services. Under the CVAA, Title I (“Communications Access”) – is products and services that connect to the Internet, such as email and text messaging services, web-based services and mobile devices – and Title II (“Video Programming”), is products and services involved in the delivery of videos, such as television recording devices, video distributors and online streaming services. Title I of the CVAA states that laptops, smartphones, tablets, software applications and even gaming consoles that connect to the Internet must be usable by and accessible to people with disabilities. Title II states that video equipment must be capable of displaying closed captioning and video description, and that user controls must be accessible to people with vision and hearing disabilities.

Policy Expansion: Amend 47 U.S. Code Title 47—TELECOMMUNICATIONS *Twenty-First Century Communications and Video Accessibility Act (CVAA)* as follows –

1. The term “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Require the Commission developed through a public participation process and in consultation with interested African American consumer stakeholders, services and equipment that is compliant with relevant technical standards to assist African Americans in effective exchange of information.
3. The Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee for the purpose of achieving equal access to African Americans to emergency services.
4. The Chairman of the Commission shall establish an advisory committee, to be known as the Video Programming and Emergency Access Advisory Committee for the purpose of achieving equal access to video programming African Americans.
5. No “non-achievable” waivers shall be granted as to African American individuals or groups of individuals except for “reasonable efforts” findings by the Commission and satisfaction of alternative means of compliance.

6. Develop and mandate training for Title II and Title III entities to facilitate effective communication with African Americans. Including communication which reduces and eliminates the impact of implicit bias and discrimination towards African Americans.
7. Requires telecommunication companies remove barriers to African Americans accessing the Internet.
8. Require telecommunications providers of technology, to provide the technology whether it's a product or a service, or a third-party assistive technology made easily available and supported, to connect African Americans to telecommunications.
9. Amend any provision necessary to expand *Twenty-First Century Communications and Video Accessibility Act (CVAA)* to provide African Americans easily available and supported telecommunication.

## XXIV. Integrated Community Based Settings

Existing Policy: Individuals with disabilities are provided meaningful choice and self-determination to transition from institutional or other segregated settings into their communities. Examples of integrated settings include scattered-site apartments providing permanent supportive housing, tenant-based rental assistance that enables individuals with disabilities to lease housing in integrated developments, and apartments for individuals with various disabilities scattered throughout public and multifamily housing developments. By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities, and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities.<sup>[8]</sup>

Policy Expansion: Expand Integrated Community Based of *Olmstead v. L.C.*, 527 U.S. 581 (1999) Standards as follows –

1. The term "disability" or "individual with disabilities" may not exclude any African American, regardless of medical evaluation.
2. Establish a comprehensive State planning requirement that includes enforceable, measurable objectives that are designed to transition African Americans at all ages out of institutions or segregated settings into the most integrated community-based setting that supports the perspectives and needs of African Americans.
3. Provide allotments for each State equal to the number of African Americans per capita residing in institutional or segregated settings.
4. Amend any provision necessary and proper to apply Integrated Community Based Standards to African Americans.

## XXV. Section 504 of the Rehabilitation Act

Existing Policy: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in programs that receive federal financial assistance. Section 504 works together with the ADA and IDEA to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community.

Expanded Policy: Amend 29 U.S. Code § 794. *Nondiscrimination under Federal grants and programs* as follows –

1. The term(s) “handicap” “disability” or “individual with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Waive qualification requirements for service eligibility for African Americans.
3. Require penalties for violations promulgated against African Americans – including citations, business license restrictions, fines, and injunctions requiring the business to remedy the conditions.
4. Expand affirmative actions and penalties for violations to include the development and implementation of training to reduce and eliminate the impacts of implicit bias towards African Americans.
5. Amend any provision necessary and proper to extend Section 504 civil rights to every African American.

## XXVI. Rehabilitation Act, 29 CFR 1630 Equal Employment Opportunity EEOC

Existing Policy: The Rehabilitation Act of 1973 imposes on federal agencies, as employers, obligations over and above non-discrimination on the basis of disability. The regulations require federal agencies to engage in affirmative action for individuals with disabilities. The regulations do not apply to the private sector or to state or local governments.

Expanded Policy: Amend 29 CFR 1630 *Equal Employment Opportunity EEOC* as follows –

1. The term(s) “disability” or “individual with disabilities” or “impairment” or “qualified individuals with disabilities” may not exclude any African American, regardless of medical evaluation.
2. Require agency(s) develop an interactive process in coordination with African Americans to develop reasonable accommodations to address the perspectives and needs of African Americans.

3. Require a showing of best efforts as a precondition to inflicting undue hardship defense against African Americans.
4. Amend any provision necessary and proper to extend disability protection to African Americans in Equal Opportunity Employment.



## Criminal Justice & Civil Rights

### XXVII. ADA & Criminal Justice

Existing Policy: The ADA requires criminal justice entities—including attorneys, courts, jails, juvenile justice entities, police, prisons, prosecutors, and public defense attorneys—to avoid discriminating against people with disabilities. Entities must ensure that people with disabilities are treated equally in the criminal justice system and that they have equal opportunity to benefit from safe, inclusive communities. Nondiscrimination requirements, such as the obligation to provide reasonable modifications to policies, practices, and procedures and the obligation to take appropriate steps to communicate effectively with people with disabilities, also support the goals of ensuring public safety, promoting public welfare, and avoiding unnecessary criminal justice involvement for people with disabilities.

Policy Expansion: Amend Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq as follows --

1. The term(s) "disability" or "individual with disabilities" or "impairment" or "qualified individuals with disabilities" may not exclude any African American, regardless of medical evaluation.
2. Amend any provision necessary and proper to extend ADA civil rights to every African American.

### XXVIII. Civil Rights of Institutionalized Persons Act (CRIPA)

Existing Policy: The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at State and local government institutions such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," that they are subjecting residents to "grievous harm," and that they are part of a "pattern or practice" of resistance to residents' full enjoyment of constitutional or Federal rights, including title II of the ADA and section 504 of the Rehabilitation Act.

Policy Expansion: Amend *Civil Rights of Institutionalized Persons Act* 42 U.S.C. §§ 1997 et seq as follows --

1. The term(s) "disability" or "individual with disabilities" or "qualified individuals with disabilities" may not exclude any African American, regardless of medical evaluation.

2. Amend any provision necessary and proper to extend Section 504 civil rights to every African American.

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[1] <https://www.cigna.com/static/www-cigna-com/docs/health-care-providers/african-american-health-disparities.pdf>

[2] See, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5407686/>

[3] See, A study examining racial discrimination and anxiety and depression in African American youth found emotional responses from prolonged exposure to racial discrimination may routinely activate the hypothalamic pituitary adrenal (HPA), the body's central stress response system, and help explain the process by which racial discrimination contributes to racial health disparity outcomes. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844784/>

[4] A study from the University of Michigan illustrating the neuroendocrine response - namely, cortisol secretion, set in motion as the body physiologically reacts to racial discrimination. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844784/>

[5] <https://www.presidency.ucsb.edu/documents/executive-order-13347-individuals-with-disabilities-emergency-preparedness>

[6] <https://legacy.npr.org/documents/2006/jun/dhs/preparedness.pdf>

[7] <https://nces.ed.gov/pubs2019/2019038.pdf>

[8] [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/integrated\\_community\\_based\\_settings](https://www.hud.gov/program_offices/fair_housing_equal_opp/integrated_community_based_settings)